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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,440	03/31/2004	Steve Tengler	032915-0147	3778
22428 7590 03/21/2007 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER NGUYEN, TAN QUANG	
			ART UNIT	PAPER NUMBER
			3661	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/21/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/813,440

Applicant(s)

TENGLER ET AL.

Examiner

TAN Q. NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/31/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAIL ACTION

### ***Notice to Applicant(s)***

1. This application has been examined. Claims 1-27 are pending.
2. The prior art submitted on March 31, 2004 has been considered

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### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 7, 8, 11-13, 19, 20 and 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishiga et al. (2005/0003844).
5. As per claim 1, Nishiga et al. disclose the inter-vehicle communication apparatus and method which includes at least the steps of determining by a first vehicle whether other vehicles are within short range communication range of the first vehicle (see at least figure 10 and the related text), filtering by the first vehicle of the other vehicles within short range communication range based on whether the other vehicles are traveling along a same travel path (see at least figures 3, 15 and the related text), and

establish communication with one or more of the other vehicle based on the filtering step (see at least figure 9, paragraphs [0013], [0023], [0027]).

6. With respect to claim 7, Davis et al. the DSRC communication range based on a moving position of the first vehicle (see at least figure 3, steps 36 and 37). It would have been obvious to an ordinary skill in the art to incorporate such teaching of Davis et al. into the system of Nishiga et al. in order to communication with only the close vehicles compare with its position.

7. With respect to claim 8, Nishiga et al. do not disclose that the filtering step starts when the first vehicle is turn on. However, it would have been obvious to an ordinary skill in the to realize that the communication between the first vehicle with the other vehicle only start when the first vehicle is moving, i.e. the ignition switch is on.

8. With respect to claims 11 and 12, Nishiga et al. Nishiga et al. disclose such features in at least figures 10-15 and the related text.

9. With respect to claims 13, 19, 20 and 23-26, the limitations of these claims have been noted in the rejections above. They are therefore considered rejected as set forth above.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

12. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiga et al. as applied to the claims above.

13. Nishiga et al. disclose the claimed invention as discussed above except for the user of the first vehicle manually enter the vehicle ID of the second vehicle to establish wireless communication is the short range communication. However, since Nishiga et al. disclose the search of all the vehicles in the short range of the first vehicle along with their IDs, it would have been obvious to realize that the user of the first vehicle can easily wish to communication with any of those vehicles by entering the ID of the vehicle he/she wish to communicate with, thus reducing the filtering time in the process.

14. Claims 2-6, 9, 10, 14-18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiga et al. as applied to the claims above, and further in view of Davis et al. (2003/0186675).

15. With respect to claim 2, Nishiga et al. disclosed the claimed invention as discussed above except for the use of Dedicated Shortwave Radio Communications (DSRC) communication. However such feature is well known and widely used at the time the invention was made and as shown in Davis et al. reference in at least figure 1

and paragraph 0003 for the wireless communication of journey-related information between vehicles. It would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate such standard DSRC as taught by Davis et al. into the system of Nishiga et al. in order to provide the exchange needed information between vehicles wirelessly.

16. With respect to claim 3, Nishiga et al. further disclose the filtering step comprises determining other vehicles have a similar travel vector as the first vehicle (see at least figures 3 and 15).

17. With respect to claims 4 and 5, Nishiga et al. also disclose the filtering step comprises determining other vehicles have a similar predetermined travel segments as the first vehicle (see at least figure 15).

18. With respect to claim 6, Nishiga et al. disclose the first vehicle establishes handshake communication with one of the other vehicles (see at least figure 3, start at step S15 et seq.)

19. With respect to claims 9 and 10, Nishiga et al. disclose such features in at least figures 10-15 and the related text.

20. With respect to claims 14-18, 21 and 22, the limitations of these claims have been noted in the rejections above. They are therefore considered rejected as set forth above.

### ***Conclusion***

21. All claims are rejected.

22. The following references are cited as being of general interest: Shyu (5,428,544), Miller, Jr. (6,650,252), Satomura et al. (6,788,964), Tsuboi (7,046,168), and Watanabe (2004/0236499).

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23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Q. Nguyen, whose telephone number is (571) 272-6966. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (571) 272-6956.

Any response to this action should be mailed to:

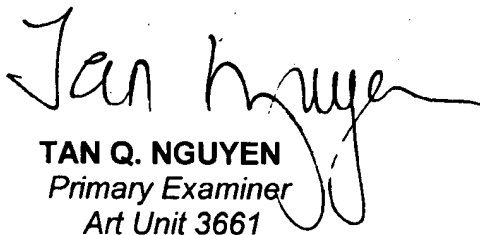
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or faxed to the Official Fax Center: (571) 273-8300.

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/tqn  
March 18, 2007

  
**TAN Q. NGUYEN**  
Primary Examiner  
Art Unit 3661